

**UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA  
CHARLESTON DIVISION**

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**IN RE: AQUEOUS FILM-FORMING FOAM  
PRODUCTS LIABILITY LITIGATION**

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**Case No. 2:18-md-2873 (RMG)  
Judge Richard M. Gergel**

This document relates to: **ALL ACTIONS.**

**PLAINTIFF EXECUTIVE COMMITTEE’S NOTICE OF FILING OF SUPPLEMENTAL  
EXHIBITS AND PLAINTIFFS’ VISUAL AIDS**

On August 19, 2022, the Court held oral argument on the Defendants’ motion for summary judgment on the government contractor immunity defense. Following oral argument, the Court issued the Order Regarding Supplementation of the Record and Documents Used at the August 19, 2022 Oral Arguments [ECF No. 2547](“Order”).

Pursuant to the Order, the Plaintiffs’ Executive Committee (“PEC”) hereby supplements the 255 exhibits previously offered by the PEC in support of its opposition to Defendants’ motion for summary judgment on the government contractor defense with the following nine (9) documents presented to the Court during oral argument either through discussion with the Court, and/or by appearing on one or more of the PEC’s visual aids presented to the Court, <sup>1</sup>which were not previously entered into the record.

<b>Exhibit #</b>	<b>Description</b>
<b>Pl. Ex. 256</b>	July 29, 2022, Excerpt of the Deposition Testimony of Telomer Defendants’ Expert, A.J. Gravel at 258:1-259:3
<b>Pl. Ex. 257</b>	Expert Report of Plaintiffs’ Expert Christopher P. Higgins, Ph.D., dated March 18, 2022 (subject to motion to seal)
<b>Pl. Ex. 258</b>	Exhibit DL1438, bearing bates number 3M_AFFF_MDL01272236-251

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<sup>1</sup> With the exception of the nine (9) new exhibits identified herein, the exhibit numbers appearing on the visual aids correspond to the exhibit numbers of the exhibits previously submitted in the Parties’ briefing.

<b>Pl. Ex. 259</b>	Excerpt of DL1496, May 21, 2021, Excerpt of the Deposition Testimony of United States witness Frederick K. Walker, Jr., Vo. III., at 721:7-723:12 (subject to motion to seal)
<b>Pl. Ex. 260</b>	Exhibit DL1878, bearing bates number FF_NAVY11_00327162-63 <sup>2</sup> (subject to motion to seal)
<b>Pl. Ex. 261</b>	Exhibit DL1879, bearing bates number FF_NAVY12_00007002-03
<b>Pl. Ex. 262</b>	Exhibit DL1880, bearing bates number FF_EPA011_00139131
<b>Pl. Ex. 263</b>	August 17, 2021, Declaration of Melvin E. Andersen, Ph.D.
<b>Pl. Ex. 264</b>	Exhibit LP224, bearing bates number 3M_BELL00064127

In addition, also pursuant to the Order, the PEC files the below identified visual aids that were presented to the Court during oral argument:

<b>Exhibit #</b>	<b>Visual Aid Description</b>
<b>Pl. Ex. 265</b>	Deck A – Telomer Continued Use Timeline (4 slides)
<b>Pl. Ex. 266</b>	Deck B – Evidence DoD Relies on EPA (5 slides)
<b>Pl. Ex. 267</b>	Deck C – 3M Continued Use/Prong 3 Timeline (3 slides)
<b>Pl. Ex. 268</b>	Deck F – Testimony re Gov’t Knowledge of Degradation to PFOA Creates Issue of Fact (1 slide)

Dated: August 24, 2022

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<sup>2</sup> As of today, the August 19, 2022, hearing transcript is not yet final, and thus the PEC is not yet in possession of same. However, counsel recalls it may have been inadvertently stated that this document was produced in July 2022. The PEC has confirmed it was produced in June 2021, and thus assuming the accuracy of such recollection, the PEC wanted to be sure to correct the record in this regard. The document being offered as Pl. Ex. 262 rather than Pl. Ex. 260 was the document produced in July 2022.

-and-

/s/ Michael A. London

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### **CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing was electronically filed with this Court's CM/ECF on this 24th day August 2022 and was thus served electronically upon counsel of record.

/s/ Fred Thompson, III